

OD-4

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/2263/2022

YASG SARAOGI
Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : 20th June, 2022.

Appearance :
Mr. Mrinal Das, Adv.
Mr. Raja Adhikary, Adv.
...for the petitioner

Ms. Sipra Majumder, Adv.
Ms. Debarathi Sen (Bose), Adv.
...for the State

Mr. Alok Kumar Ghosh, Adv.
Mr. Debangshu Mondal, Adv.
...for the K.M.C.

The Court:- None appears on behalf of the private respondent despite service. Affidavit of service filed in Court is taken on record.

The petitioner alleges illegal and unauthorized construction by the private respondent over the premises no.14, Radha Bazar Street, Ward No. 45, Borough-V, Kolkata-700001 under the jurisdiction of the Kolkata Municipal Corporation.

Learned Advocate representing the Kolkata Municipal Corporation files a report signed by the Sub Assistant Engineer (Civil), Assistant Engineer (Civil) and Executive Engineer (Civil)/Building/Borough-IV & V which mentions that on receipt of the complaint of unauthorized construction the men and agents of the Kolkata Municipal Corporation (Building Department) inspected the site and

found that the person responsible has already constructed numbers of RCC columns, demolished the existing brick walls, constructed RCC staircase, constructed two additional floors in deviation from the sanction plan or in violation of the condition of sanction vide reconstruction sanction plan no. 12/Br-V/2021-2022 dated 8th May, 2021.

Steps have been taken against such unauthorized construction by issuing stop work notice under Section 401 of K.M.C. Act, 1980. Police intimation has also been sent to the Hare Street Police Station on 31st January, 2022. Further letter for reminder to stop the work has been sent to the local Police Station on 21st February, 2022. Round the clock police posting has been requisitioned for. The Department is proceeding under the provision of Section 400 of K.M.C. Act, 1980.

As it appears from the report filed by the Kolkata Municipal Corporation that indeed there is unauthorized construction at the aforesaid premises and the Corporation has taken steps to deal with such unauthorized construction, accordingly, the instant writ petition is disposed of by directing the Kolkata Municipal Corporation to take suitable steps, strictly in accordance with law for removal of such unauthorized construction.

The Corporation shall ensure that steps are being taken at the earliest, but positively within a period of three months from the date of communication of this order.

The Officer-in-Charge, Hare Street Police Station is directed to keep strict vigil so that no further unauthorized construction is carried out at the said premises.

The private respondent is restrained from making any construction at the said premises till the matter is finally decided by the Kolkata Municipal Corporation.

WPO/2269/2022 stands disposed of.

Report filed by the Kolkata Municipal Corporation and the Hare Street Police Station in Court today are taken on record.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)

TO